

A RESOLUTION BY**TRANSPORTATION COMMITTEE**

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDATORY AGREEMENT WITH DELTA AIR LINES, INC. COVERING THE TEMPORARY SURRENDER TO THE CITY OF ATLANTA OF APPROXIMATELY 11.6263 ACRES OF LAND LEASED TO DELTA BY THE CITY UNDER THE AMENDED AND RESTATED LEASE AGREEMENT, DATED DECEMBER 1, 1989, FOR DELTA'S TECHNICAL OPERATIONS CENTER AND CENTRAL TERMINAL SUPPORT AREA AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES.

WHEREAS, the City of Atlanta (the "City") and Delta Air Lines, Inc. ("Delta") are parties to an Amended and Restated Lease Agreement, dated December 1, 1989, and subsequent amendments thereto ("TOC/CTSA Lease"), pursuant to which the City leases to Delta certain land and improvements (the "TOC/CTSA Leased Premises") at the Hartsfield-Jackson Atlanta International Airport ("H-JAIA"), which Delta uses for its Technical Operations Center ("TOC") and Central Terminal Support Area ("CTSA") and other purposes; and

WHEREAS, the City has undertaken the design and construction of the Maynard Holbrook Jackson, Jr. International Terminal ("MHJIT") and related aircraft ramp, entrance roadway, and vehicle parking facilities, to improve service to international airlines and their passengers at H-JAIA; and

WHEREAS, the City requires the use of certain portions of Delta's TOC/CTSA Leased Premises, as depicted on Exhibit "A", in connection with MHJIT site development projects; and

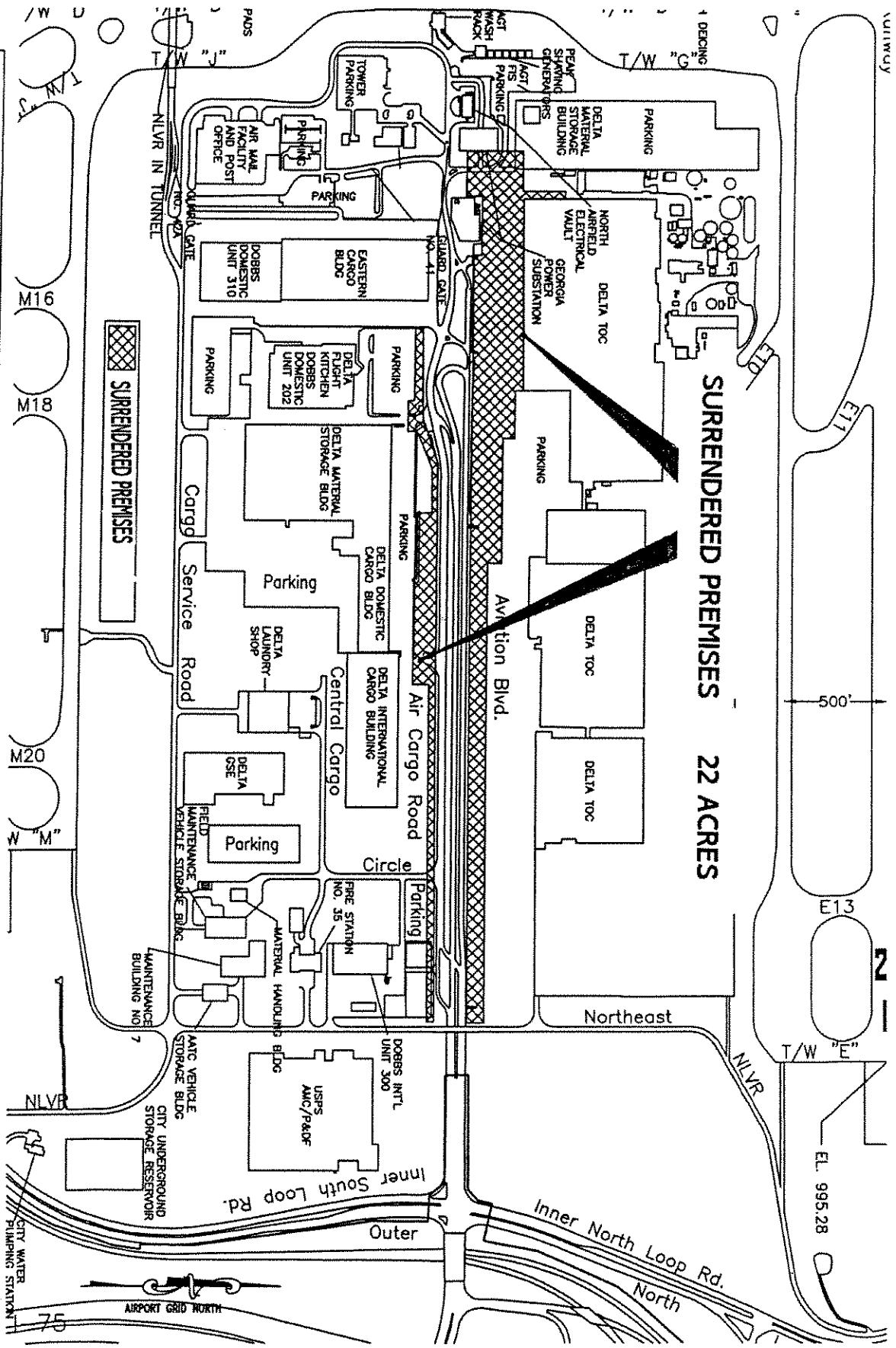
WHEREAS, Delta is ready and willing to temporarily surrender approximately 11.6263 acres of land to provide the necessary physical space and safety buffers required for the construction of two MHJIT roadway projects, Maynard Holbrook Jackson, Jr. Boulevard re-configuration and the Terminal Roadways for a period of time expected not to exceed forty-eight (48) months during which time period land rentals will be abated; and

WHEREAS, the City and Delta desire and intend to enter into an agreement amending the TOC/CTSA Lease memorializing the temporary surrender of those certain portions of Delta's TOC/CTSA Leased Premises needed for MHJIT site development (the "Amendment").

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, that the Mayor be and is hereby authorized to execute on behalf of the City of Atlanta an Amendment with Delta Air Lines, Inc., which shall provide for the surrender by Delta to the City of approximately 11.6263 acres of land on a temporary basis, with a rental abatement during the time period of the temporary surrender, within its TOC/CTSA Leased Premises under the Amended and Restated Lease Agreement for the Technical Operations Center and Central Terminal Support Area at Hartsfield-Jackson Atlanta International Airport.

BE IT FURTHER RESOLVED, that the City Attorney be and is hereby directed to prepare said Amendment for execution by the Mayor.

BE IT FINALLY BE RESOLVED, that said Amendment shall not become binding upon the City, and the City shall incur no obligation or liability thereunder, until the same has been signed by the Mayor and delivered to Delta.



DATE: 07-13-2005	REV: ---	SCALE: N.T.S.	SHEET: 1 OF 1
Exhibit A //Title// FIFTH AMENDMENT, DELTA LEASEHOLD			

Legislative White Paper

Committee of Purview: Transportation

Council Meeting Date: September 19, 2005

Legislation Title: A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AMENDATORY AGREEMENT WITH DELTA AIR LINES, INC. ("DELTA") COVERING THE TEMPORARY SURRENDER TO THE CITY OF APPROXIMATELY 11.6263 ACRES OF LAND LEASED TO DELTA BY THE CITY UNDER THE AMENDED AND RESTATED LEASE AGREEMENT, DATED DECEMBER 1, 1989, FOR DELTA'S TECHNICAL OPERATIONS CENTER AND CENTRAL TERMINAL SUPPORT AREA AT HARTSFIELD-JACKSON ATLANTA INTERNATIONAL AIRPORT; AND FOR OTHER PURPOSES

Requesting Dept.: Department of Aviation

Contract Type: Amendment

Justification Statement: The City requires the temporary surrender of certain land leased to Delta Air Lines, Inc. ("Delta") along the north and south borders of the existing Maynard Holbrook Jackson Jr., Boulevard, for the construction of two Maynard H. Jackson International Terminal ("MHJIT") roadway projects (reconfiguration of the Maynard Holbrook Jackson Jr., Boulevard and construction of the new Terminal Roadway). This surrender of property will be temporary and will commence later this year. This surrender of leased premises will provide the necessary physical space and safety buffers required for the construction of two MHJIT roadway projects.

Background: The City and Delta are parties to an Amended and Restated Lease Agreement, dated December 1, 1989, for Delta's Technical Operations Center and Central Terminal Support Area premises ("TOC Lease"). Under the TOC Lease, as amended, Delta leases 214.4 acres of land and facilities situated thereon. Those facilities serve as Delta's primary aircraft maintenance facilities, cargo and other operational support facilities. The TOC Lease has been previously amended by four amendments to support the MHJIT project. This amendment anticipates further amendment(s) to the TOC Lease providing for the permanent surrender of land in support of the road right-of-way.

Fund Account Center: N/A

Source of Funds: N/A

Term of Contract: Temporary

Method of Cost Recovery: N/A

Approvals:
DOF:
DOL: Yes

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